

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1035

Introduced by Assembly Member Linder

February 26, 2015

An act to amend Section ~~24045.2~~ 23356.2 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL’S DIGEST

AB 1035, as amended, Linder. Alcoholic beverages: ~~temporary licenses: nonprofits: auctions: licenses.~~

The Alcoholic Beverage Control Act authorizes ~~the issuance of a special temporary retail package off-sale beer and wine license to a television station, supported wholly or in part by public membership subscription, which is a nonprofit, charitable corporation, as provided, or to a nonprofit, charitable corporation that receives and administers donations for a noncommercial, educational television station, or public broadcasting station supported wholly or in part by public membership subscription, as provided, subject to specified restrictions~~ *a person to manufacture beer or wine for personal or family use without the need for a license or permit, as provided. Existing law authorizes the removal of beer or wine from the premises where made for personal or family use, for specified purposes, including for donation to a nonprofit organization for sale at a fundraising event.*

This bill would ~~make nonsubstantive changes to this provision~~ *provide that a nonprofit organization that auctions this type of donated beer or wine that has a value of less than \$_____ is not required to obtain a license issued under the act for the sale of that beer or wine.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 23356.2 of the Business and Professions*
2 *Code is amended to read:*
3 23356.2. (a) No license or permit shall be required for the
4 manufacture of beer or wine for personal or family use, and not
5 for sale, by a person over 21 years of age. The aggregate amount
6 of beer or wine with respect to any household shall not exceed (1)
7 100 gallons per calendar year if there is only one adult in the
8 household or (2) 200 gallons per calendar year if there are two or
9 more adults in the household.
10 (b) Beer or wine produced pursuant to this section may be
11 removed from the premises where made only under any of the
12 following circumstances:
13 (1) For use, including in a bona fide competition or judging or
14 a bona fide exhibition or tasting.
15 (2) For personal or family use.
16 (3) When donated to a nonprofit organization for use as provided
17 in subdivision (c) or (d).
18 (4) Beer or wine produced pursuant to this section may only be
19 provided or served to the public pursuant to paragraphs (1) and
20 (3) within a clearly identified area, that includes, but is not limited
21 to, a physical barrier with a monitored point of entry. Beer or wine
22 produced by a beer manufacturer or winegrower as defined in
23 Sections 23012 and 23013, respectively, and licensed by the
24 department, shall not be provided or served to the public within
25 this area.
26 (c) (1) Beer or wine produced pursuant to this section may be
27 donated to a nonprofit organization for sale at fundraising events
28 conducted solely by and for the benefit of the nonprofit
29 organization. Beer and wine donated pursuant to this subdivision
30 may be sold by the nonprofit organization only for consumption
31 on the premises of the fundraising event, under a license issued
32 by the department to the nonprofit organization pursuant to this
33 division. *A nonprofit organization that auctions donated beer or*
34 *wine at a fundraising event that has a value of less than ____*

1 *dollars (\$____) shall not be required to obtain a license issued by*
2 *the department pursuant to this division.*

3 (2) Beer or wine donated and sold pursuant to this subdivision
4 shall bear a label identifying its producer and stating that the beer
5 or wine is homemade and not available for sale or for consumption
6 off the licensed premises. The beer or wine is not required to
7 comply with other labeling requirements under this division.
8 However, nothing in this paragraph authorizes the use of any false
9 or misleading information on a beer or wine label.

10 (3) A nonprofit organization established for the purpose of
11 promoting home production of beer or wine, or whose membership
12 is composed primarily of home brewers or home winemakers, shall
13 not be eligible to sell beer pursuant to this subdivision.

14 (d) A nonprofit organization established for the purpose of
15 promoting home production of beer shall be eligible to serve beer
16 at a fundraising event conducted solely for the benefit of the
17 nonprofit organization pursuant to this subdivision, subject to the
18 following conditions:

19 (1) The beer that is served is donated by home brewers.

20 (2) The nonprofit organization shall be issued no more than two
21 permits per calendar year for the serving of beer pursuant to this
22 subdivision.

23 (3) The nonprofit organization shall display a printed notice at
24 the event that states that home brewed beer is not a regulated
25 product subject to health and safety standards.

26 (4) The event shall have an educational component that includes
27 instruction on the subject of beer, including, but not limited to, the
28 history, nature, values, and characteristics of beer, the use of beer
29 lists, and the methods of presenting and serving beer.

30 (5) Only bona fide members of the nonprofit organization may
31 attend the event.

32 (6) The nonprofit organization shall not solicit or sign up
33 individuals to be members of the nonprofit organization on the
34 day of the event at the event premises.

35 (7) The nonprofit organization shall provide the department
36 with the number of members that have registered for the event and
37 the estimated number that will be in attendance, 48 hours before
38 the event. This paragraph shall apply only if more than 50 members
39 are expected to be in attendance at the event.

1 (e) Except as provided in subdivision (c), this section does not
2 authorize the sale or offering for sale by any person of any beer
3 or wine produced pursuant to this section.

4 (f) Except as provided herein, nothing in this section authorizes
5 any activity in violation of Section 23300, 23355, or 23399.1.

6 ~~SECTION 1. Section 24045.2 of the Business and Professions~~
7 ~~Code is amended to read:~~

8 ~~24045.2. (a) The department may issue a special temporary~~
9 ~~retail package off-sale beer and wine license to: (1) a television~~
10 ~~station, supported wholly or in part by public membership~~
11 ~~subscription, which is a nonprofit, charitable corporation exempt~~
12 ~~from payment of income taxes under the provisions of the Internal~~
13 ~~Revenue Code of 1954 of the United States, or (2) a nonprofit,~~
14 ~~charitable corporation exempt from payment of income taxes under~~
15 ~~the provisions of the Internal Revenue Code of 1954 of the United~~
16 ~~States that receives and administers donations for a noncommercial,~~
17 ~~educational television station, or public broadcasting station~~
18 ~~supported wholly or in part by public membership subscription.~~
19 ~~An applicant for this license shall accompany the application with~~
20 ~~a fee of one hundred dollars (\$100).~~

21 ~~(b) A license issued pursuant to this section shall only entitle~~
22 ~~the licensee to sell at auction beer and wine donated to it.~~
23 ~~Notwithstanding any other provision, a licensee may donate beer,~~
24 ~~wine, or both beer and wine to a corporation licensed under this~~
25 ~~section, provided donations are not made in connection with a sale~~
26 ~~of an alcoholic beverage.~~

27 ~~(c) This license shall be for a period not exceeding 30 days.~~
28 ~~Only one license shall be issued to any corporation in a calendar~~
29 ~~year.~~